

REMARKS

Reconsideration and allowance of the present patent application based on the foregoing amendments and following remarks are respectfully requested.

By this Amendment, claims 1, 4-5, 7, 10 and 12 are amended and claim 13 is cancelled without prejudice or disclaimer to the subject matter therein. Claims 1, 4-5, 7, 10 and 12 are amended to recite the features of claim 13. Accordingly, after entry of this Amendment, claims 1-12 will remain pending in the patent application.

Claim 13 was objected to but would be allowable if rewritten in independent form. In response, claim 1 is amended to recite the features of claim 13. Thus, claim 1 is now in condition for allowance.

Claims 1-4, 8 and 12 were rejected under 35 U.S.C. §103(a) based on Mitzel et al. (U.S. Pat. No. 4,324,394) (hereinafter "Mitzel") in view of Herold et al. (U.S. Pat. No. 3,945,095) (hereinafter "Herold") and Malachowski et al. (U.S. Pat. No. 5,135,213) (hereinafter "Malachowski"). Claims 5-8 were rejected under 35 U.S.C. §103(a) based on Mitzel in view of Herold, Malachowski and Hunt (U.S. Pat. No. 4,395,035). Claim 9 was rejected under 35 U.S.C. §103(a) based on Mitzel in view of Herold, Malachowski and Stievenart et al. (U.S. Pat. No. 4,348,019) (hereinafter "Stievenart"). Claims 10 and 11 were rejected under 35 U.S.C. §103(a) based on Mitzel in view of Herold, Malachowski and Yokota (JP 62140948). These rejections are respectfully traversed.

Claim 1 is amended to positively recite the features of claim 13, which were indicated as being allowable by the Office Action. Therefore, claim 1 is in condition for allowance.

Claims 2 and 3 are patentable over Mitzel, Herold, Malachowski, Hunt, Stievenart, Yokota and a combination thereof at least by virtue of their dependency from claim 1 and for the additional features recited therein.

Claims 4, 5, 7, 10 and 12 are amended to recite the limitations of claim 13, which were indicated as being allowable by the Office Action. Specifically, claims 4, 5, 7 and 10 are patentable over Mitzel, Herold, Malachowski, Hunt, Stievenart, Yokota and a combination thereof at least because these claims recite a sheet take-out apparatus wherein, *inter alia*, "the sheet-feeding member includes a plurality of rod members that are arranged substantially parallel to one another in a same plane, the rod members being moveable along a direction substantially perpendicular to the plane." Similarly, claim 12 is patentable over Mitzel, Herold, Malachowski, Hunt, Stievenart, Yokota and a combination thereof at least because this claim recites a method of taking out a sheet from stacked sheets wherein, *inter alia*, "the sheet-feeding member includes a plurality of rod members that are arranged

substantially parallel to one another in a same plane, the rod members being moveable along a direction substantially perpendicular to the plane.” The cited references do not disclose, teach or suggest these features.

Mitzel discloses a feeder device for transferring a stack of paper sheets. (*See, e.g.*, FIG. 1 of Mitzel). The feeder device of Mitzel includes a separation cylinder 90, an air conducting plate 94 provided with a plurality of air blast bores 96 and a pressure plate 95. (*See, e.g.*, col. 3, lines 7-22 and FIG. 1 of Mitzel). However, Mitzel is silent as to a sheet-feeding member including a plurality of rod members that are arranged substantially parallel to one another in a same plane, the rod members being moveable along a direction substantially perpendicular to the plane.

Herold, Malachowski, Hunt, Stievenart and Yokota fail to remedy the deficiencies of Mitzel. Herold discloses an apparatus for aligning the edges of a stack of sheets provided on a plate. (*See, e.g.*, FIG. 1 of Herold). Malachowski discloses an apparatus for individually feeding sheets from a stack of sheets that includes a bottom plate 20 to support a stack of sheets, a vacuum corrugation feeder for taking out a sheet and a hold down means 50 for exerting a force on the next top sheet beneath the top sheet. (*See, e.g.*, FIG. 1 and col. 3, lines 2-55 of Malachowski). Hunt merely relates to an apparatus that includes a fluid jet emitting drum 30 that separates the sheets. (*See, e.g.*, col. 3, lines 5-8 of Hunt). Stievenart discloses a sheet dispenser for dispensing and separating the lowermost or uppermost sheet of a stack of sheets. Yokota discloses devices 1, 2 provided on both sides of empty pallets 3 that blow out air. (*See Abstract of Yokota*). However, none of these references discloses, teaches or suggests a sheet-feeding member including a plurality of rod members that are arranged substantially parallel to one another in a same plane, the rod members being moveable along a direction substantially perpendicular to the plane. Therefore, any reasonable combination of Mitzel, Herold, Malachowski, Hunt, Stievenart and Yokota cannot result, in any way, in the invention of claims 4, 5, 7, 10 and 12.

Claim 6 is patentable over Mitzel, Herold, Malachowski, Hunt, Stievenart and Yokota at least by virtue of its dependency from claim 5 and for the additional features recited therein. Similarly, claims 8-9 and 11 are patentable over Mitzel, Herold, Malachowski, Hunt, Stievenart and Yokota at least by virtue of their dependency from claim 5 and for the additional features recited therein.

Accordingly, reconsideration and withdrawal of the rejections of claims 1-4, 8 and 12 under 35 U.S.C. §103(a) based on Mitzel in view of Herold and Malachowski, claims 5-8 under 35 U.S.C. §103(a) based on Mitzel in view of Herold, Malachowski and Hunt, claim 9

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under 35 U.S.C. §103(a) based on Mitzel in view of Herold, Malachowski and Stievenart, and claims 10 and 11 under 35 U.S.C. §103(a) based on Mitzel in view of Herold, Malachowski and Yokota are respectfully requested.

All of the rejections having been addressed, Applicants respectfully request that the Examiner reconsider the objections and rejections, withdraw the same, and pass this application quickly to issue.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

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